

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Pierre JuJuan Ricardo Sanders, #1339092,

Plaintiff,

v.

Vitalcore Health Strategies, L.L.C., John A.
Pfeiffer, M.D., Charleston County Sheriff's
Office,

Defendant.

Case No. 4:24-6731-RMG-TER

ORDER

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that Plaintiff’s claims be partially dismissed. (Dkt. No. 9). Plaintiff, proceeding *pro se* and *in forma pauperis*, did not file an objection. For the reasons set forth below, the Court adopts the R&R as the Order of the Court, partially dismissing Plaintiff’s complaint. (Dkt. No. 1).

I. Background

Plaintiff Pierre JuJuan Ricardo Sanders, brings this action pursuant to 42 U.S.C. § 1983, alleging his Eighth and Fourteenth Amendment rights were violated. (Dkt. No. 1 at 4). Plaintiff specifically alleges that after informing Defendant Dr. Pfeiffer that he was experiencing pain in his testicles, Dr. Pfeiffer both denied adequate medical care and sexually assaulted Plaintiff. (*Id.* at 5). Despite Plaintiff specifying that the pain was only in his testicles, Plaintiff alleges that Dr. Pfeiffer stroked his penis sexually, and asked Plaintiff if it felt good. (*Id.* at 6). Plaintiff alleges that he responded no, but Dr. Pfeiffer continued. (*Id.* at 6). Plaintiff further alleges that Dr. Pfeiffer offered to provide Plaintiff with suboxone if Plaintiff did not report Dr. Pfeiffer. (*Id.* 1 at 6).

Plaintiff’s injuries include stress, depression, anxiety, high blood pressure, and PTSD. (*Id.* at 6). Plaintiff requests money damages. (*Id.* 1 at 6).

II. Legal Standard

The Magistrate Judge makes only a recommendation to this Court that has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Where the plaintiff objects to the R&R, the Court “makes a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* Where the plaintiff has not objected to the R&R, the Court reviews the R&R only to “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72 advisory committee's note; *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (“In the absence of objection ... we do not believe that it requires any explanation.”).

III. Discussion

The Court has reviewed the R&R, applicable caselaw, and the record evidence in this matter. The Court finds that the Magistrate Judge ably addressed the factual and legal issues in this matter and correctly concluded that Plaintiff's action against Defendants Vitalcore Health Strategies, L.L.C (“Vitalcore”) and Charleston County Sheriff's Office be dismissed. (Dkt. No. 9).

The Court agrees with the Magistrate Judge that Plaintiff's allegations against Defendant Dr. Pfeiffer, liberally construed, are sufficient to withstand summary dismissal. The Court also agrees with the Magistrate Judge that Defendant made no allegations of a cognizable claim against either Defendants Vitalcore or the Charleston County Sheriff's Office, and that these parties are not amenable to suit in a 42 U.S.C. § 1983 action.

IV. Conclusion

In light of the foregoing, the Court **ADOPTS** the R&R (Dkt. No. 9) as the Order of the Court and **DISMISSES** Plaintiff's claims against Defendants Vitalcore and Charleston County Sheriff's Office with prejudice and without issuance and service of process. Plaintiff's claims against Defendant Dr. Pfeiffer remain.

AND IT IS SO ORDERED.

s/Richard M. Gergel
Richard Mark Gergel
United States District Judge

December 23, 2024
Charleston, South Carolina